



An
Bord
Pleanála

Inspector's Report ABP-309252-21

Development	Proposed development of a two storey 110kV GIS substation with all associated site works and ancillary works
Location	Avoca River Park, Arklow, Co. Wicklow
Planning Authority	Wicklow County Council
Applicant	Craig Digital Avoca Ltd.
Type of Application	Application for approval under Section 182 (A) of the Planning and Development Act
Prescribed Bodies	Transport Infrastructure Ireland GSI Wicklow County Council Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media – DAU
Observers	None

Date of Site Inspection

7th May 2021

Inspector

Sarah Lynch

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1.0 Introduction

1.1. Pre application Consultation

- 1.2. Craig Digital Avoca Ltd. requested a Pre-Application consultation under Section 182 (E) of the Planning and Development Act 2000, as amended. Two pre-application meetings were held with the applicant on the 21st July 2020 and the 5th October 2020 whereby the details of the proposed development were presented. The applicant sought the opinion of the Board as to whether the proposed development comprised Strategic Infrastructure Development, pre application reference ABP 307256-20. The applicant also consulted with EirGrid and ESB networks to ensure that the proposal was designed in accordance with their requirements.
- 1.3. The Board determined that in accordance with Section 182 (A) of the Planning Development Act 2000, as amended, the proposed development comprised of Strategic Infrastructure Development.

2.0 Site Location and Description

- 2.1. The site is a brownfield site, which is of stated area of 1.34 ha and which is part of a long-established industrial area close to Arklow town. The industrial estate is now known as the Avoca River Park. The industrial area is highly visible from the M11 and would be a well-known feature on the regional landscape as it was previously the location of a major fertiliser manufacturing plant.
- 2.2. The Avoca River Park industrial estate currently contains a timber processing facility, vehicle storage and other warehouse/industrial/administration buildings including a plastics manufacturing facility. The proposed substation and the permitted datacentre which it would serve would be located towards the north-east of the overall lands. At this location is the entrance point to the industrial estate and an overhead powerline.
- 2.3. The M11 is 800 m to the east of the site and is elevated above the site. The industrial estate is bounded to the south by the Avoca River which meets the sea about 3.5 km to the east of the site. Beyond the river is the main Dublin to Rosslare railway line, which runs parallel to the river before branching southwards to Arklow town. The built-up environs of the town extend to about 1 km from the site. Apart from the motorway and railway infrastructure and the industrial and agricultural uses in the area, the other

noteworthy feature is Shelton Abbey prison to the west. The closest dwelling houses at the northern end of the site are about 800m away.

- 2.4. Within the industrial estate there is the main access which connects to the M11 by way of the R772. The site of the substation is occupied by some industrial buildings, which will be demolished. These are fairly lightweight industrial structures. Nearby the site is the Shelton Abbey substation. The Arklow substation is under 2.5 km to the north-east of the subject site. The existing 110 kV powerline is proximate to the entrance to the industrial park and to the site.

3.0 Proposed Development

- 3.1. The proposed development comprises a substation including a GIS building which will house indoor high voltage gas insulated switchgear equipment, a MV (medium voltage) building, four transformer bays, high-voltage busbars and associated electrical plant and equipment, all within a 2.6 m security fenced compound. The GIS building will have a gross floor area of 528.5 square metres while the MV building will have a gross floor area of 420 square metres. Access to the proposed substation will be from the internal road network within the industrial estate.
- 3.2. The proposal will deliver the grid connection by way of the overhead powerline proximate to the site. Connection between the proposed substation and the overhead transmission line and the existing Arklow substation would be by Eirgrid and subject to a separate future planning application.
- 3.3. The proposed substation is described by the applicant as serving a permitted datacentre at adjacent lands as well as providing for other development. The existing Shelton Abbey substation located in Avoca River Park is to be retained.

3.4. Prescribed Bodies

Transport Infrastructure Ireland

- No reference is made to the transportation of abnormal loads within the EIAR submitted. A permit must be obtained from each Local Authority through whose jurisdiction the vehicle shall travel.

- All structures on the proposed haul route should be checked by the applicant to ascertain the capacity of the road to accommodate the loads.
- No other comments are necessary given the nature and location of the proposed works.

Geological Survey of Ireland

- GSI requests a copy of any site investigations carried out to add to the GSI database.

Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media – DAU

- Department concurs with screening determination, the proposal individually or in combination with other plans and projects will not have a significant effect on a European site.
- The EIAR for the adjacent data centre development recorded 7 bats species commuting and foraging through the site. A dusk emergence survey should be undertaken.
- Impact to bats species in relation to mixed broadleaf woodland to the north west of site which will be impacted on due to the cable connection has not been assessed. Further information is requested in this regard and mitigation measures are required to be put in place to protect bat species in the area.
- A derogation licence is required should any works to roosts be necessary.
- Invasive species survey to be carried out in growing season.
- Storm water outfall at river's edge will result in loss of habitat, further assessment of potential impacts in this regard is required.
- Further information is required in relation to the potential for impacts to otter as a result of outfall pipe proposed in riparian zone.
- Consideration should be given to setting back the proposed outfall to a wetland to avoid outfall to the river. Semi natural habitats between the river and hard infrastructure may provide suitable set back area.
- Conditions proposed in relation to the timing of works being carried out in order to protect breeding birds.

Local Authority Submission

Wicklow County Council

- Policy support for this type of development within the County Development Plan as per objective CCE17 which seeks to support the development and expansion of the electricity transmission and distribution grid, including the development of new lines, pylons and substations as required.
- The site is zoned E1 – Employment and is suitable for significant employment and / or industry.
- Arklow has a key role in electricity transmission and distribution with a number of high voltage electricity lines crossing the plan area, with the main electricity station at Killiniskyduff. Energy from offshore wind bank is brought ashore at Arklow and there is a potential for the landing of an underwater electricity interconnector from Wales.
- Relevant policies and objectives within Chapters, 9, 10, 11 of the Wicklow County Development Plan.
- Substation is necessary to serve permitted data centre on adjoining lands.
- Proposed development would support future expansion of the Shelton Abbey Employment lands.
- Location of surface water discharge pipe within the OS2 would be acceptable.
- No negative impacts to biodiversity are expected as proposed development is within a brownfield site.
- No visual impacts are expected.
- The roads serving the proposed development site is suitable for construction traffic, no impacts are expected.
- Development site is located outside of flood zone A and B.
- Surface water discharge should be agreed with the Environment and Water Services section of WCC.
- Water supply etc is considered to be acceptable.
- EIAR is adequate.
- Site was screened out for the purpose of AA.
- No contributions are required.
- Sample conditions proposed.

3.5. Third Party Observations

None

3.6. Applicants' response

A response to the submissions was prepared by John Spain Associates and can be summarised as follows:

- The applicant would accept a condition to provide revised drainage calculations which take into account a 20% Climate change allowance factor.
- Additional wetland design has been submitted in response to comments made in relation to SUDs.
- Flood embankment maintenance will be associated with the proposed ICT facility rather than the proposed development. Conditions would be acceptable, given that both developments are being brought forward by the same developer.
- Revised discharge point which is now proposed in the revised SUDs details is located 50 metres away from that previously proposed and a condition in relation to discharge point design would be accepted.
- A 20% climate change design scenario will ensure that the storm water system is not overwhelmed.
- The Board is the competent authority in relation to AA screening and EIA screening.
- Dusk emergence survey was undertaken by the Moore Group during May 2021 of the subject site and buildings to be demolished. There was no evidence of roosting bats, however a pre-demolition survey will be undertaken.
- No invasive species have been recorded on site. A further survey was undertaken by the Moore Group in May 2021, an area of Himalayan knotweed was observed 20 metres from the site boundary. A further stand of Japanese Knotweed was noted c. 155 metres away and a small patch of Montbretia close to the river bank. The proposed outfall has been set back from the riverbank by 20 metres providing at least 10 metres of a setback from the nearest stand of Himalayan Knotweed to the development site.

- A invasive species management plan will be submitted and ensure that the plants are fenced off 7 metres from any works area.
- There will be no loss of habitat in relation to the development and minimal loss of woodland in relation to the grid connection. Additional surveys have been undertaken and confirm that no significant impacts in terms of habitat loss are envisaged.
- Additional surveys were undertaken in relation to Otter and found no evidence of the species in the area. Discharge has been redesigned to provide a setback to allow for diffuse drainage.
- The proposed buildings for demolition are not inhabited by birds and the demolition of these buildings should not be restricted to the period outside of bird nesting.
- The applicant notes TII comments.
- Applicant will provide GSI with copy of reports detailing any further site investigations.

4.0 Planning History

Site

16/345 Permission granted for proposed change of use from industrial use to plastics recycling facility unit.

08/1963 Permission granted for retention of paving display area, 2m high boundary fence, office, external cladding of storage shed and signage at Avoca River Park.

Adjoining site to east

ABP 303938 Permission granted in July 2019 for Data Centre development consisting of 3 no. Data centres buildings, ancillary offices and plant.

Adjoining site to south

10/3124 Permission granted for plastics recycling facility.

5.0 Policy Context

National Planning Context

5.1. National Planning Framework

- 5.2. One of the National Strategic Outcomes (8) set out in the NPF is the “Transition to a Low Carbon and Climate Resilient Society”. It is stated in the NPF that “the National Climate Policy Position establishes the national objective of achieving transition to a competitive, low carbon, climate-resilient and environmentally sustainable economy by 2050. This objective will shape investment choices over the coming decades in line with the National Mitigation Plan and the National Adaptation Framework. New energy systems and transmission grids will be necessary for a more distributed, renewables-focused energy generation system, harnessing both the considerable on-shore and off-shore potential from energy sources such as wind, wave and solar and connecting the richest sources of that energy to the major sources of demand”.
- 5.3. Section 9.2 of the Plan addresses Resource Efficiency and Transition to a low carbon economy. There are a number of National Policy Objectives which seek to reduce carbon footprint by integrating climate action into the planning system. The NPF states, in relation to energy policy and planning that Ireland’s national energy policy is focused on three pillars: “(1) sustainability, (2) security of supply and (3) competitiveness. The Government recognise that Ireland must reduce greenhouse gas emissions from the energy sector by at least 80% by 2050, compared to 1990 levels, while at the same time ensuring security of supply of competitive energy sources to our citizens and businesses”.
- 5.4. The NPF further states that “in the energy sector, transition to a low carbon economy from renewable sources of energy is an integral part of Ireland’s climate change strategy and renewable energies are a means of reducing our reliance on fossil fuels. The forthcoming Renewable Electricity Policy and Development Framework will aim to identify strategic areas for the sustainable development of renewable electricity projects of scale, in a sustainable manner, compatible with environmental and cultural heritage, landscape and amenity considerations.

- 5.5. National Policy Objective 55 states: “promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050”.

Regional Planning Context

Regional Spatial Economic Strategy for the Eastern and Midland Region 2019-2031

- 5.6. Section 10.3 of the strategy outlines the documents support for the development of a safe, secure and reliable supply of electricity and the development of enhanced electricity networks as well as new transmission infrastructure projects that might be brought forward in the lifetime of this plan under EirGrid’s (2017) Grid Development Strategy which will serve the existing and future needs of the Region and strengthen all-island energy infrastructure and interconnection capacity.
- 5.7. The following Regional Policy Objectives are noted:
- RPO 10.20: Support and facilitate the development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the Region and facilitate new transmission infrastructure projects that might be brought forward in the lifetime of this Strategy. This Includes the delivery of the necessary integration of transmission network requirements to facilitate linkages of renewable energy proposals to the electricity and gas transmission grid in a sustainable and timely manner subject to appropriate environmental assessment and the planning process.
 - RPO 10.22: Support the reinforcement and strengthening of the electricity transmission and distribution network to facilitate planned growth and transmission/ distribution of a renewable energy focused generation across the major demand centres to support an island population of 8 million people.

Local Policy Context

It is of note that the review of the current Wicklow County Development Plan has commenced and is at pre-draft stage.

Wicklow County Development Plan 2016-2021

Chapter 5 – Economic Development:

EMP1 To support all forms of employment creation, especially where this can mitigate long distance commuting, subject to the proper planning and sustainable development of the area and compliance with all other objectives of this plan.

EMP2 To normally require new employment generating developments to locate on suitably zoned or identified land in settlements. Proposals in settlements with no zoning plan should be assessed on the basis of their individual merits, taking into consideration the objectives set out in this chapter of the plan and all other matters pertaining to the proper planning and sustainable development of the area, including ensuring that the proposal is appropriately sited in a location so that it enhances, complements, is ancillary to or neutral to the existing land uses in the area. All other proposals for employment generating developments outside of settlements will be assessed on the 'Objectives for Wicklow's Rural Economy'.

EMP7 To encourage the redevelopment of brownfield sites for enterprise and employment creation throughout the County and to consider allowing 'relaxation' in normal development standards on such sites to promote their redevelopment, where it can be clearly demonstrated that a development of the highest quality, that does not create an adverse or unacceptable working environment or create unacceptable impacts on the built, natural or social environment, will be provided.

Arklow and Environs Local Area Plan 2018

The site is zoned E1 Employment with a stated objective 'to provide for the development of enterprise and employment. Use indicated as being acceptable with the E1 zoning are noted as follows... "Uses include general and light industry, office uses, enterprise units, appropriate warehousing, petrol filling stations (as deemed appropriate), public transport depots, open space, community facilities, educational, utility installations and ancillary developments for employment and industry uses in accordance with the CDP".

Legislative Context

Strategic Infrastructure Development

- 5.8. Section 182A(1) of the Planning and Development Act, 2000 (as amended) requires, where a person (referred to as the 'undertaker') intends to carry out development comprising or for the purposes of electricity transmission, the undertaker shall prepare

an application for approval of the development to the Board. Section 182A(9) of the Act states that the term 'transmission' shall be construed in accordance with section 2(1) of the Electricity Regulation Act 1999, and for the purposes of section 182A, shall also be construed as meaning the transport of electricity by means of a high voltage line (equal to or greater than 110kilovolts) or an interconnector (whether ownership of the interconnector will be vested in the undertaker or not).

- 5.9. Section 2(1) of the Electricity Regulation Act, 1999 defines transmission as '*...the transport of electricity by means of a transmission system, ... a system which consists, wholly or mainly, of high voltage lines and electric plant and which is used for conveying of electricity from a generating station to a sub-station, from one generating station to another, from one substation to another or to or from any interconnector or to final customers but shall not include any such lines which the Board may, from time to time, ...specify as being part of the distribution system ...*'
- 5.10. Electric plant is defined as '*any plant, apparatus or appliance used for, or for purposes connected with, the generation, transmission, distribution or supply of electricity, other than by (a) an electric line, (b) a meter..., or (c) an electrical appliance..*'

5.11. **Natural Heritage Designations**

The site is not within any European Designated site.

- Buckroney-Brittis Dunnes and Fen SAC is located c. 5.6 km to the north east of the development site at the coast.
- Kilpatrick Sandhills SAC is located c. 9.14km south east of the proposed development site, also at the coast.

5.12. **EIA Screening**

- 5.13. The proposed development is not considered to constitute a project within either Annex I or Annex II of the Directive 2011/92/EU as amended by 2014/52/EU or within Part 1 or Part 2 of Schedule 5 to the Planning and Development Regulations 2001, as amended. Nonetheless an Environmental Impact Assessment Report has been submitted as the proposed development will provide the power supply for a permitted development of 3 data centres which were subject to EIAR and permitted by the Board in July 2019.

6.0 Assessment

6.1. The proposed development as outlined above will comprise the demolition of existing structures on site which include 4 no. industrial commercial buildings, an associated hut/outbuilding, a gas enclosure and a tank with bunded wall, and the development of a two storey 110kV GIS substation and 4 no. transformers with all associated site works and ancillary works. I have considered the application and the plans and particulars submitted and the submissions received and consider that the issues for consideration before the Board pertain the following:

- Principle of Development
- Visual Impact
- Residential Amenity
- EIAR
- Appropriate Assessment

Principle of Development

6.2. The proposed development, as mentioned above, is located within the Avoca River Park Industrial Estate where the development lands are subject to an E1 Employment zoning objective as outlined within the Arklow and Environs Local Area Plan 2018. The provision of utilities such as that proposed are acceptable in principle under this zoning objective. The proposed development has been designed in order to support current power demand and future growth within the area inclusive but not limited to the power requirements of the permitted data centre storage facility adjacent to the site. The proposal will tie into the existing 110kV overhead lines and will act as a new node on the grid which EirGrid will have responsibility for.

6.3. Having regard to the zoning objective relevant to the development site and that the Wicklow County Development Plan supports the redevelopment of such brownfield sites, I am satisfied that the proposed development is in accordance with the requirements of local policy for this area.

6.4. It is of note that the proposed development is also intended to cater for future renewable energy production in the form of offshore wind. Renewable energy development is supported 'in principle' at national, regional and local policy levels, with

collective support across government sectors for a move to a low carbon future and an acknowledgement of the need to encourage the use of renewable resources to reduce greenhouse gas emissions and to meet renewable energy targets set at a European Level.

- 6.5. It is an action of the NPF under National Policy Objective no. 8 to reinforce the distribution and transmission network to facilitate planned growth and distribution of a more renewables focused source of energy across the major demand centres. At a local level it is an objective of the Wicklow County Development Plan 2016-2022 under objective CCE17 'to support the development and expansion of the electricity transmission and distribution grid, including the development of new lines, pylons and substations as required'.
- 6.6. Having regard to the foregoing, I am satisfied that the proposed development accords with national and local policy and is therefore acceptable in principle.

Visual Impact

- 6.7. The proposed development site comprises c. 1.65 hectares of land within a central area of the Avoca River Industrial Estate. The existing estate currently accommodates businesses such as timber processing, vehicle storage and several warehouses. The estate also accommodates a plastics manufacturing facility and an existing substation. The industrial estate is bound to the east and west by undeveloped greenfield lands. Beyond these lands Shelton Abbey is located which is currently used by the prison service. The Avoca River bounds the site to the south and the Dublin-Rosslare rail line is located adjacent to the river. The M11 is c. 800 m to the east of the site and Arklow town is located c. 1km to the south east. The site boundaries are defined by a mix of hedgerows, trees and fences and the overall lands are low-lying and relatively flat with a gentle slope from N to S.
- 6.8. An examination of the visual and landscape impacts has been undertaken within the EIAR assessment hereunder and will not be repeated with this section of the report, however it is important to note at this juncture that the proposed development does not interrupt any protected views or prospects and given the significant scale of both existing and permitted development within the Avoca River Park industrial estate and adjacent to the development site, I consider that the proposal would not introduce a new form of development to this landscape. Based on the location of the lands within

an established industrial estate I consider the potential to give rise to significant visual impacts is significantly limited in this instance.

Residential Amenity

- 6.9. The proposed development, as aforementioned, is located in an existing industrial estate on previously developed lands. The site is c. 800 metres from the nearest dwelling and is out of sight of residential properties within the immediate vicinity. The nearest grouping of residential properties are located within the outskirts of the adjacent town of Arklow c. 1km away, and given the location and distance of such properties it is unlikely that any impacts in relation to the construction or operation phases of the proposed development would arise.
- 6.10. Residential amenity with regard to the potential for traffic, dust and noise disturbance are examined within the relevant sections of the EIAR assessment hereunder and will not be repeated within this section of the report. However, it is important to note at this juncture that no such significant effects are expected to arise. Given the location, nature and duration of works I am therefore satisfied that the residential amenity of nearby properties will be preserved and unaffected by the development.

7.0 EIAR

- 7.1. The application is accompanied by an Environmental Impact Assessment Report (EIAR) which was prepared by AWN Consulting on behalf of the applicant. It is stated within the report that the proposed development is not of a class for the purpose of EIA, however one has been submitted based on the direct relationship between the proposed substation and the permitted Data Centre (ABP 303938) which will rely upon the substation for power.
- 7.2. This EIA section of the report should, where appropriate, be read in conjunction with the relevant parts of the Planning Assessment above.
- 7.3. The application falls within the scope of the amending 2014 EIA Directive (Directive 2014/52/EU) on the basis that the application was lodged after the last date for transposition in May 2017. The application also falls within the scope of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations

2018, as the application was lodged after these regulations come into effect on 1st September 2018.

- 7.4. The impact of the proposed development is addressed under all relevant headings with respect to the environmental factors listed in Article 3(1) of the 2014 EIA Directive. The EIAR sets out a case regarding the background to the project (Section 1.3). The EIAR provides detail with regard to the consideration of alternatives in Section 3.8. An overview of the main interactions is provided at Section 15. Section 1.6 of the EIAR lists the main contributors / authors and the qualifications of the EIAR manager, which meet the requirements of the EIA Directive in my view. Details of the consultation entered into by the applicant with Wicklow County Council and other prescribed bodies as part of the preparation of the project are also set out and can be reviewed Section 4 of the EIAR.
- 7.5. Article 3 (2) of the Directive requires the consideration of the effects deriving from the vulnerability of the project to risks of major accidents and / or disasters that are relevant to the project concerned. The potential for ‘unplanned events’ is addressed in Section 2.7.
- 7.6. The potential for ‘flooding’ is considered in Section 11 water. I consider that the requirement to consider these factors under Article 3(2) is met.
- 7.7. In terms of the content and scope of the EIAR, the information contained in the EIAR generally complies with article 94 of the Planning and Development Regulations 2001, as amended, all studies informing the EIAR are up to date and recently acquired.

Alternatives

- 7.8. The applicants considered alternatives in relation to a number of factors which include location, scale, size, design and layout, and processes and mitigation. Section 3.8.2 of the EIAR submitted states that the location of the GIS substation was chosen due to the location of the permitted Data Centre, the location chosen provided the shortest cable route given the amount of ducting required to facilitate the development. It is further stated that the location of the GIS substation is designed in accordance with the requirements stipulated by the Transmission Asset owner ESB. The design of the substation is in accordance with the requirements of providing a safe and efficient service, flexibility was not possible in this regard.

- 7.9. Flexibility in relation to the method of absorption into the network is also hampered given the requirements of the ESB and EirGrid in relation to electrical infrastructure. Alternative mitigation for each area of assessment was considered, four strategies of mitigation which include; avoidance, prevention, reduction and offsetting were considered and are dealt with under each chapter of the EIAR. Mitigation measures were also considered based on the effect on quality, duration of impact, probability, and significance of effects.
- 7.10. In my opinion reasonable alternatives have been explored and the information contained in the EIAR with regard to alternatives provides an adequate justification for the alternatives chosen and is in accordance with the requirements of the 2014 EIA Directive.

Human Health and Population

- 7.11. Section 4 of the EIAR submitted addresses population and human health. Effects are considered in the context of socio-economic and health and wellbeing considerations. CSO data was utilised to inform the socio-economic profile of the area. The EIAR included an examination of the population and employment characteristics of the area and states employment fell significantly in the county reflecting economic recovery in recent years. In terms of deprivation levels the population in the study area was identified as being marginally below average.
- 7.12. The nearest residentially sensitive area is located c. 1km south east of the development where there is a small housing development in the outskirts of Arklow. The overall analysis of the site indicates that it has good access to services and social infrastructure. Impacts in relation to construction, commissioning and operation of the development in relation to human health and population were considered in the context of the foregoing.
- 7.13. Potential impacts were considered to arise in relation to air quality, noise, visual impact, and traffic and are dealt with under the relevant headings hereunder. It is of note that no significant impacts are expected in relation to the foregoing. Positive impacts during construction are expected in relation to local businesses due to the presence of up to 30 no. construction workers at the development site. Along with an indirect positive impact on local employment.

- 7.14. No impacts of significance are expected in relation to the operation of the development and no residual impacts are expected to arise in relation to human health and population. Mitigation measures in relation to air quality, noise, traffic and visual impacts are outlined within the relevant chapters and are described hereunder.
- 7.15. I note that cumulative effects in relation to surrounding permitted and planned development have also been considered within the EIAR and no such impacts are expected to arise.
- 7.16. I have considered all of the written submissions made in relation to population and human health and the relevant contents of the file including the EIAR. I am satisfied that the potential for impacts on population and human health can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the potential for direct or indirect impacts on population and human health can be ruled out. I am also satisfied that cumulative effects, in the context of existing and permitted development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise.

Lands, soils, geology and hydrogeology

- 7.17. Section 5 of the EIAR submitted addresses lands, soils, geology and hydrogeology. A site investigation was carried out between December 2019 and February 2020 in order to establish baseline conditions at the site. 17 no. exploratory bore holes and 30 no. trial pits were investigated, and soil and groundwater samples were taken and results assessed to determine the soil and water quality as part of an Environmental Assessment.
- 7.18. The Avoca River is the closest water body at 230 metres from the development site. The Avoca River and Arklow Town pNHA is located c. 580m and 1km to the northwest and southwest of the subject site.
- 7.19. Baseline conditions in relation to soils are outlined in section 5.3.2 of the EIAR submitted and soil type is stated to comprise largely of clay/silt. Surrounding wells were also considered in terms of potential for impacts to arise and were found to be upgradient of the development as such there are no concerns in relation to the integrity of these wells.

- 7.20. Depth of bedrock was found to be between 9.8-25.5mbgl and the site is within an area of a locally important gravel aquifer, which is within the Wicklow ground water body identified as having a good water quality status. Water samples taken indicate however, that the underlying gravel aquifer has been impacted by the historical use of the site as a fertiliser factory as there were elevated levels of ammonia, potassium, sulphate, and sulphur in the samples collected.
- 7.21. I note that soil samples from trial pit no. 13 were classified as hazardous due to high levels of Arsenic, Copper, Lead and Zinc, these results also arise from the site's previous use as a fertiliser factory. It is not proposed to reuse any contaminated soils from this site. Soil and demolition debris will be removed from the site as waste and disposed of accordingly. The applicant states that clean material will be imported to level the site and for the building of hard standings.
- 7.22. Potential impacts are outlined in section 5.5.2 and 5.6 of the EIAR submitted and relate to both the construction and operational stages. It is stated that during the construction phase of the development, impacts relate to the potential for oil or fuel spillages. Mitigation measures to prevent such spillages are outlined in the CEMP and include the use of bunded areas for storage and refuelling of vehicles. In the event of an accident, spill kits will be readily available. Other measures include the use of ready-mix concrete and the prevention of concrete washing on site.
- 7.23. It is further stated that there is no requirement for bulk fuels or chemical storage during the operational stage and there will be no discharge to ground for wastewater facilities. Hydrocarbon interceptors will be inserted and will minimise any potential for impacts to the underlying aquifer.
- 7.24. It is stated that the storage of any liquid during the operational phase will be low, with the requirement for a small volume of oil storage for the transformers which will be sorted in a bunded area. The installation and regular monitoring of surface water run off during construction will ensure that watercourses are protected from sediment release and soil sampling will ensure wastes are disposed of appropriately.
- 7.25. It is concluded by the applicant that based on the natural conditions present and the mitigation measures proposed the potential for impacts on land, soils, geology and hydrogeology is short term, and of imperceptible significance. No likely residual impacts are expected.

7.26. I have considered all of the written submissions made in relation to lands, soils, geology and hydrogeology and the relevant contents of the file including the EIAR. I am satisfied that the potential for impacts on Lands, soils, geology and hydrogeology can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the potential for direct or indirect impacts on lands, soils, geology and hydrogeology can be ruled out. I am also satisfied that cumulative effects, in the context of existing and permitted development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise.

Hydrology

7.27. Section 6 of the EIAR submitted examines the potential for impacts to arise in relation to hydrology. A desktop study was carried out in order to identify hydrological features within the development site and the surrounding area. EPA Water quality monitoring data was reviewed as were relevant policy documents which are listed in section 6.2 of the EIAR.

7.28. The Avoca River is the primary watercourse in the vicinity of the site. It is stated that the Avoca River contains some of the most polluted stretches of river in the Country. Two minor streams were identified, the Raheen Stream and the Sheepwalk stream which flow into the Avoca River, both were c. 500 and 700 m respectively to the east of the site. A small drainage stream crosses the lands to the north of the Avoca River Park facility. It is assumed that this stream flows into the Avoca River. The Overhead lines (which will be the subject of a separate application) will traverse this stream when entering the site.

7.29. The Avoca River upstream of the development currently has a bad status and is unassigned downstream but under review. Within Section 6.3.3 of the EIAR submitted the applicant reviews water quality within the surrounding water bodies in the vicinity of the site which range from bad to moderate. Surface water sampling carried out by the applicant in 2020 found exceedances of dissolved zinc, ammoniacal nitrogen and low levels of PAHS.

7.30. A flood risk assessment was carried out by the applicant, it is of note that the site is located in flood zone C. It is stated within the information provided that the development will not increase flood risk outside of its boundaries. In the event that

current defences at the Avoca River breach, the site would be at a 1% AEP fluvial flood event. To cater for a potential overtopping of flood defences the finished floor level of the proposed substation will be +3.1 m which is 150mm higher than the surrounding hard stand. I note that there are no records of flooding in the immediate area of the site. The applicants in responding to the submissions received, state that drainage calculations will be submitted to the Local Authority which will include a 20% Climate Change scenario prior to the commencement of development, notwithstanding this, based on the information submitted, I am satisfied that the applicant has adequately addressed this issue by way of design in terms of finished floor levels..

- 7.31. A rainwater harvesting system will be installed to flush toilets, and wastewater will be collected in an onsite tank which will be emptied periodically.
- 7.32. Surface water will be attenuated, and clean upslope water will be collected in separate drains. Drainage will be managed in a manner which will not impact water quality in adjacent watercourses. Potential impacts arising from construction of the development relate to increases in run off however mitigation measures in the form of interceptors and silt traps will ensure the protection of water quality in all adjacent water courses connected to the site. As mentioned above, spill kits will be available if required and fuels and oils will be stored in bunded areas.
- 7.33. The development will also be constructed in accordance with SUDs and there will be no discharge to ground in relation to wastewater. A Construction Environmental Management Plan will be developed by the applicant which will contain all mitigation measures outlined within section 6.7-6.7.2 of the EIAR and will ensure that such measures are implemented during the construction phase.
- 7.34. No residual impacts of significance are considered likely and cumulative impacts are short term, neutral and not of significance, I have had regard to the future development of overhead lines which will link into the proposed development in my assessment of cumulative impacts. I note that the department submission raises concerns in relation to drainage outfalls and the potential for impacts to arise in relation to otters, that may use the riparian zone. The applicant in their response to the departments submission stated that an otter survey was carried out in May 2021 and did not observe any evidence of otters in the vicinity of the site. Given the current use of the lands for

industrial production and services, I am satisfied that it is unlikely that otters would be present in the area. I further note that concerns were raised within the submission received in relation to the impacts of the surface water discharge on the river during a storm surge. The applicant in their response to the submissions refers to the maintenance of an embankment which would form part of a separate application in relation to the grid connection, I also note that the discharge point within this response to submissions has been moved 50 metres from its proposed location and will be set back from the riverbank in order to allow for a more natural method of drainage. The relocation and remodelling of the discharge point will allow for a more gradual flow of surface water into the river channel which will reduce the impact of storm surges on the surface water discharge and will also reduce the erosion of the riverbank at this location.

- 7.35. I have considered all of the written submissions made in relation to hydrology and the relevant contents of the file including the EIAR. I am satisfied that the potential for impacts on hydrology can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the potential for direct or indirect impacts on hydrology can be ruled out. I am also satisfied that cumulative effects, in the context of existing and permitted development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise.

Biodiversity

- 7.36. Section 7 of the EIAR submitted examines the potential for impacts to arise in relation to biodiversity. An Appropriate Assessment screening was undertaken as part of this section of the EIAR and will be examined separately within this report. This element of the development will focus on biodiversity in general within the site and its surrounds. A desktop study was carried out to identify any site and /or features of significance in within the site and the surrounding area. All resources are listed within section 7.3.2 of the EIAR. A walkover study was conducted on 12th November 2020. The survey was outside of the peak botanical period and was raised as an issue of concern in relation to invasive species by the department within their submission. In response to this concern additional surveys have been undertaken in May 2021 which include a bat dusk emergence survey, an otter survey and an invasive species survey.

- 7.37. Signs of badgers and other mammals were also searched for during the walkover in November 2020, none were found.
- 7.38. A woodland is present to the north of the site which comprises of a mixed tree species and contains many trees of local importance. No flora of significance was recorded at the site given its developed and industrial nature, and no protected mammals, bats or bird species were observed within the site. I note that the submission from the department refers to bats being present on an adjacent site and consider it appropriate to seek a pre-demolition bat survey by way of condition. The applicant has stated within their response to the submissions, that a pre demolition bat survey will be undertaken, thus, should the board be of a mind to grant permission I recommend that a condition is imposed in this regard.
- 7.39. A site-specific bird survey was also undertaken, a number of bird species which are common in the landscape such as magpie, blackbird and woodpigeon were observed within and adjacent to the site. The ecological value of the site was determined to be of low local ecological value. I note that no reference to the presence of invasive species was made within the site walkover and further note that in response to the submission of the department, the applicant carried out an invasive species survey in May 2021. No such species were found within the site. Himalayan Knotweed was observed c. 20 metres from the site boundary, as was Japanese Knotweed at c. 155 metres from the site. It is stated that protective fencing will be erected around such plants with a buffer of 7 metres during construction. An invasive species management plan will be submitted prior to the commencement of development. Should the Board be of a mind to grant permission I recommend that a condition is imposed which seeks the submission of an invasive species management plan.
- 7.40. Given the conditions on site and the value of the landscape, the applicant has not proposed any mitigation measures and does not consider that residual impacts will arise in relation to biodiversity. Cumulative impacts were also considered within the EIAR in the context of both existing and permitted development and were not considered to arise.
- 7.41. I have considered all of the written submissions made in relation to biodiversity and the relevant contents of the file including the EIAR. I am satisfied that the potential for direct or indirect impacts on biodiversity can be ruled out. I am also satisfied that

cumulative effects, in the context of existing and permitted development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise.

Air Quality & Climate

- 7.42. Section 8 of the EIAR submitted addresses the potential for impacts to arise in relation to Air quality and climate. Baseline air quality is examined within section 8.3.2 of the EIAR whereby PM10 (Particulate Matter) levels are accepted to be in the region of $11\mu\text{g}/\text{m}^3$. The greatest potential impact on air quality will arise from dust generated during construction and demolition.
- 7.43. Overall combined dust generation within the site has been examined within Section 8.5 of the EIAR submitted and it is concluded that impacts arising from dust during both the construction and operational stages of the development will be negligible.
- 7.44. The applicant nonetheless proposes mitigation to minimise dust during construction and demolition, as set out within Section 8.6 of the EIAR. Such measures will be included within the CEMP which will be finalised prior to the commencement of development and will include the stockpiling of materials downwind in sheltered areas of the site and water suppression of both stockpiles and hard surfaces during dry periods.
- 7.45. Water suppression will also be utilising during demolition to minimise dust emissions. Prior to demolition, buildings will be stripped and all removable material will be disposed appropriately. Hoardings will be utilised to prevent large material from escaping the site and any land clearing occurring in dry periods will be watered to suppress dust.
- 7.46. A complaints register will be maintained on site and regular dust monitoring carried out. Speed restrictions will be applicable on site, and hard surfaces will be swept regularly.
- 7.47. The surrounding area is considered to be of low sensitivity to dust related human health impacts and there is an overall low risk in this regard, as mentioned above.
- 7.48. Impacts in relation to climate arise in relation to vehicle emissions during construction and operational phases of the development. The proposed duration of construction is expected to be short term and there are no significant emissions associated with the

development above what would normally be considered acceptable and appropriate to a construction development of this scale. In addition, it is of importance to acknowledge that the proposed development will facilitate the transmission of renewable offshore wind energy and will become a node on the EirGrid network. Such infrastructure is essential if Ireland is to meet its targets in relation to renewable energy provision by 2030. I am therefore satisfied that impacts in relation to climate are not significant.

7.49. Cumulative impacts are considered within the EIAR within Section 8.8. The proposed development is considered cumulatively in the context of the permitted Data Centre and proposed grid connection, and it is stated that impacts will be short in duration and not of significance in terms of impact.

7.50. I have considered all of the written submissions made in relation to air quality and climate and the relevant contents of the file including the EIAR. I am satisfied that the potential for direct or indirect impacts on air quality and climate can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the potential for direct or indirect impacts on air quality and climate can be ruled out. I am also satisfied that cumulative effects, in the context of existing and permitted development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise.

Archaeology, Architectural and Cultural Heritage.

7.51. Section 10 of the EIAR examines the potential for impacts to arise in relation to archaeology, architecture and cultural heritage. A detailed desk top study was undertaken within a 1.5km radius of the development to inform the EIAR. The proposed development will not impact directly upon any sites included on the Record of Monuments and Places, the National Inventory of Architectural Heritage or the Register of Protected Structures for the County. It is of note that the assessment did not identify any additional potential sites or features within the proposed development lands.

7.52. It is of note that the development site is located within the lands of Shelton Abbey Demesne however recent development relating to Avoca River Park has significantly altered the landscape and any potential archaeological remains would have been

removed during the ground works of these developments. Impacts on archaeological, architectural and cultural heritage are therefore considered to be neutral and insignificant.

- 7.53. The applicant does however point out that a section of lands adjacent to the watercourse which traverses the site is undisturbed and as such it is proposed to monitor works in this area for potential archaeological material. It is further proposed that an underwater archaeological survey is undertaken in the Avoca River prior to the commencement of development. Works proposed at the Avoca River relate to surface water outfalls and I am therefore satisfied should the Board be of a mind to grant permission that such measures can be adequately detail with by way of condition.
- 7.54. Cumulative impacts in relation to previous development in the area are considered to be moderate and negative in magnitude and it is not anticipated for the reasons outlined above that cumulative impacts will exacerbate the current situation given the proposed development is located on a previously developed site.
- 7.55. I have considered all of the written submissions made in relation to Archaeology, Architectural and Cultural Heritage and the relevant contents of the file including the EIAR. I am satisfied that the potential for direct or indirect impacts on Archaeology, Architectural and Cultural Heritage can be ruled out. I am also satisfied that cumulative effects, in the context of existing and permitted development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise.

Noise and Vibration

- 7.56. Section 10 of the EIAR considers impacts in relation to noise and vibration. Noise sensitive receptors present in the form of ribbon development along secondary roads. The applicant has reviewed the noise survey associated with the permitted Data centre and as the proposed development will run on a 24hr basis and will support the Data centre, it is prudent to consider cumulative noise impacts arising from both the Data centre and the proposed development together. It is of note that the applicant has applied night time hour limitations as the overall noise threshold for the operation of the facility as it will run on a 24 hour basis.
- 7.57. In relation to the construction phase of the development, it is stated that a number of plant items will be utilised during construction, however construction will only occur

during day time hours. Predicted impacts arising from construction are therefore considered to be negative but minor in nature and short term in duration.

- 7.58. Noise emissions arising from the proposed development are not considered to have a material effect on the predicted noise levels associated with the permitted Data Centre. It is of note that the EIAR states that no tonal noise will be evident at noise sensitive locations.
- 7.59. Overall noise emissions relating to the operation of the facility have been modelled and are imperceptible at noise sensitive locations. Emergency noise emissions have also been modelled and are outlined in Table 10.14 of the EIAR and are in accordance with acceptable noise thresholds.
- 7.60. In order to ensure noise levels are kept to a minimum during the construction phase of the development, standard mitigation measures are proposed which include limiting works which are noise generators to daytime hours, monitoring noise levels on a regular basis, selection of plant with low potential for noise generation and vibration, erection of noise barriers if required and siting of noisy plant within the furthest reaches of the site. No mitigation measure are required for the operation of the site.
- 7.61. With regard to cumulative impacts, noise generation during construction will be masked by existing traffic noise at noise sensitive locations. I note that the nearest noise sensitive location is a dwelling c. 500 metres from the development. Given current levels of background noise, no significant cumulative noise impacts are therefore expected.
- 7.62. No residual noise impacts are predicted in relation to either the construction or operation of the development.
- 7.63. I have considered all of the written submissions made in relation noise and vibration and the relevant contents of the file including the EIAR. I am satisfied that the potential for direct or indirect impacts on noise and vibration can be ruled out. I am also satisfied that cumulative effects, in the context of existing and permitted development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise.

Landscape and Visual Amenity

- 7.64. Section 11 of the EIAR examines the potential for impacts to arise in relation to landscape and visual amenity. It is stated within this section of the EIAR that the assessment of potential landscape and visual effects is a two-stage process that involves classifying the sensitivity of the receiving environment and describing and classifying the magnitude of change in the environment resulting from the proposed development.
- 7.65. As mentioned above the site forms part of the Shelton Abbey Demesne that occupied the low lying floor of the Avoca River Valley. Shelton Abbey is now an open prison and the low lying lands at the development site were previously developed as a fertiliser factory. The factory was disused in 2003.
- 7.66. The terrain to the immediate north of the site comprises steep northern side of the valley which is covered in woodland, the landscape then levels out to become a more gently sloping farmland. The southern side of the valley is also characterised by steep wooded slopes and to the west the valley narrows towards Woodenbridge. The M11 motorway spans the Avoca River east of the industrial lands and powerlines and pylons are noticeable in the landscape. The proposed development site occupies an area of the industrial lands just west of the Shelton Abbey substation and comprises a number of older industrial buildings.
- 7.67. The development site is located in a number of LCA's bordering the East Corridor Area LCA, which is considered to be of medium vulnerability and within the Urban Area LCA, which has established industrial development and is considered to be of low sensitivity. The site is identified as an Employment Opportunity site within the Wicklow Development Plan and is not within any protected views or prospects and is not visible from any routes of amenity value.
- 7.68. By virtue of the low lying position of the site it is substantially secluded from the surrounding more elevated landscape. The finished floor level of the development is proposed to be at 3.1m OD, lands behind the development rise to 40m OD with substantial tree cover, as do lands to the south.
- 7.69. Views of the site were recorded from a number of surrounding locations as outlined in section 11.3.4 of the EIAR submitted. Effects on the landscape are expected to be

localised and the magnitude of effect is predicted as being small. Effects on the wider landscape are expected to be negligible.

- 7.70. Mitigation measures in relation to the maintenance of the development are proposed in order to ensure that the buildings are maintained to a high standard. However, mitigation in relation to the wider visual impacts of the proposed development are not proposed given the limited magnitude of visual impacts associated with the development.
- 7.71. Cumulative effects were considered in the context of the permitted Data Centre and grid connection works and were not considered to be significant.
- 7.72. Residual impacts are expected to be negligible given that the development will be substantially screened from the wider landscape.
- 7.73. I have considered all of the written submissions made in relation Landscape and Visual Amenity and the relevant contents of the file including the EIAR. I am satisfied that the potential for direct or indirect impacts on Landscape and Visual Amenity can be ruled out. I am also satisfied that cumulative effects, in the context of existing and permitted development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise.

Material Assets

- 7.74. Section 12 of the EIAR examines the potential for impacts to arise in relation to material assets. This section of the EIAR examines telecommunications, power supply, surface water infrastructure, foul drainage and water supply. Given that the proposed development is located within a previously developed site there is existing infrastructure present in terms of the foregoing material assets. It is proposed that the development will tie into these services and upgrade where required.
- 7.75. With regard to power, it is stated that excavations close to power lines will be carried out in consultation with the ESB Networks to ensure there is no impact on users. The potential for impacts will be imperceptible and short term. With regard to surface water infrastructure a drainage system will be constructed as outlined within the hydrological section above. As these works are entirely within the redline, impacts will not occur to lands outside of the development site. No likely perceptible impacts are therefore expected.

- 7.76. Welfare facilities are required for the construction crew, details of the foul sewer have been discussed above and will not be repeated. Impacts however are considered to be imperceptible.
- 7.77. It is proposed to bring water by tanker to the site during construction, impacts arising to this infrastructure are also considered to be imperceptible.
- 7.78. Mitigation measures relate to surface water as outlined above and are standard in nature. No residual impacts are expected in relation to the construction phase of the development.
- 7.79. With regard to the operation of the development, details are outlined within Section 12.7.2 of the EIAR submitted. Similar to the construction phase of the development, mitigation is required solely in relation to surface water. No residual impacts are expected in relation to material assets. Cumulative impacts were considered within the EIAR in relation to material assets and were considered to be imperceptible.
- 7.80. I have considered all of the written submissions made in relation material assets and the relevant contents of the file including the EIAR. I am satisfied that the potential for direct or indirect impacts on material assets can be ruled out. I am also satisfied that cumulative effects, in the context of existing and permitted development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise.

Traffic and Transportation

- 7.81. Section 13 of the EIAR examines the potential for impacts to arise in relation to traffic and transportation. The development site is served by an existing road network which is largely without pedestrian or cycle facilities. The closest bus stop to the development is c. 5km from the site and the closest rail is c. 7km. Collision data indicates that the area has not experienced a high level of incidents. Traffic counts were carried out on the 1st May 2018 at two key junctions;
- R772 / Beech Road Priority junction
 - Beech Road / Kilbride Road Priority junction.
- 7.82. It is stated that the maximum number of construction vehicles entering the site will amount to c. 25 per day. Workers are expected to arrive at the site prior to peak commuting times and will leave outside of peak times also. The peak number of

construction vehicles to the site will occur over a week with 7 vehicles per hour entering the site with stone. Overall construction time is expected to be c. 6 months.

- 7.83. Potential impacts arising from the construction phase of the development are outlined in section 13.5 of the EIAR submitted and are expected to be negligible.
- 7.84. In relation to the construction of the development it is expected that additional traffic for each of the junctions outlined above is expected to result in a 0.2% and 0.4% increase respectively, TII guidance states that if an impact does not exceed 10% there is no requirement for modelling. Impacts arising from the operation of the development are expected to be imperceptible.
- 7.85. Given the limited magnitude of expected impacts, mitigation measures relate to the management of traffic within the confines of the site boundary, in terms of entry and exit and car parking. No residual impacts are expected to arise.
- 7.86. Cumulative impacts have been considered in the context of the permitted Data Centre and other development in the area and are not considered to be significant.
- 7.87. I note the submission from TII in particular concerns relating to the delivery of abnormal loads. Given the scale of the proposed works I do not consider that there would be a significant requirement for such deliveries and am satisfied that any such arrangements can be adequately dealt with by way of condition, should the Board be minded to grant permission.
- 7.88. I have considered all of the written submissions made in relation traffic and transportation and the relevant contents of the file including the EIAR. I am satisfied that the potential for direct or indirect impacts on traffic and transportation can be ruled out. I am also satisfied that cumulative effects, in the context of existing and permitted development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise.

Waste Management

- 7.89. Section 14 of the EIAR submitted examines the potential for impacts to arise in relation to Waste. It is stated that estimates of surplus made ground and soils and stones generated during the construction phase of the proposed development have been calculated by the project engineers. It is envisaged that c. 8,500m³ of waste material

will be exported from the site and the importation of c. 10,000m³ will be required to infill foundations and hardstanding areas.

- 7.90. All soils will be classified accordingly and in the event of hazardous material being excavated it is stated that this will be disposed of appropriately by licenced contractors. General domestic waste arising from construction workers will be disposed of within the construction compound and will also be removed, segregated and disposed of appropriately.
- 7.91. It is proposed that materials suitable for reuse will be used within the site boundaries, although as mentioned above the quantum of such materials are expected to be limited. Details of specific waste disposal will be outlined within the CEMP to be prepared prior to the commencement of development. I am satisfied that any issues pertaining to waste generated from the site can be adequately addressed by way of condition, should the Board be of a mind to grant permission.
- 7.92. Potential impacts arising from waste generation at both the construction and operational phases of the development are therefore expected to be short term and not significant.
- 7.93. I have considered all of the written submissions made in relation waste and the relevant contents of the file including the EIAR. I am satisfied that the potential for direct or indirect impacts on waste can be ruled out. I am also satisfied that cumulative effects, in the context of existing and permitted development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise.

Interactions between the Factors and Cumulative Impacts

- 7.94. I have considered the interrelationships between factors and whether these may as a whole affect the environment, even though the effects may be acceptable when considered on an individual basis. Section 15 of the EIAR examines the potential impact of interactions.
- 7.95. I consider that there is potential for population and human health to interact with all of the other factors (biodiversity, water, air and climate, noise, landscape and visual, cultural heritage and material assets – traffic). The details of all other interrelationships are set out in Section 15 of the EIAR which I have considered.

7.96. I am satisfied that effects as a result of interactions, indirect and cumulative effects can be avoided, managed and / or mitigated for the most part by the measures which form part of the proposed development, the proposed mitigation measures detailed in the EIAR, and with suitable conditions.

7.97. **Reasoned Conclusion**

7.98. Having regard to the examination of environmental information contained above, to the EIAR and supplementary information provided by the applicant and the submissions received, the contents of which I have noted, it is considered that the development will not give rise to any significant direct or indirect effects of the proposed development on the environment are as follows.

- Negative impacts on **human health and population** arising from construction include noise, traffic and dust disturbance to residents of neighbouring dwellings. All of these impacts are imperceptible. Adequate mitigation measures are proposed to ensure that these impacts are not significant and include adequate mitigation for operational noise.
- Benefits/positive impacts on the **Air and Climate**, the proposed development will have a significant positive effect on human health and population as it will facilitate the transmission of off shore wind energy onto the electricity network and will indirectly reduce the country's reliance on fossil fuels for energy production.
- Potential negative impacts on air and climate relate to the release of dust into the locality and emissions arising from construction traffic. Such impacts are adequately mitigated for within the EIAR submitted and can therefore be ruled out.
- Negative impacts on **Water** could arise as a result of accidental spillages of chemicals, hydrocarbons or other contaminants entering the drainage system and discharging to the Avoca River thereafter during the construction and operational phases. These impacts will be mitigated by measures outlined within the application and EIAR and can therefore be ruled out.
- Positive impact to **Land and Soils** relates to the removal of hazardous soils from the site and the appropriate disposal of such soils at a suitable waste facility. The removal of such soils will have a positive impact on the lands.

- Negative **Noise** impacts arise during the construction phase from construction activities. These impacts will be mitigated through adherence to best practice construction measures. Noise disturbance from the operation of construction plant is not likely to arise given the separation distances between the development site and residential properties. Impacts arising from noise disturbance during both the construction and operational stage can therefore be ruled out.
- Negative **traffic** impacts arise during the construction phase of the development, these impacts will be mitigated through the implementation of a traffic management plan and a construction management plan. Impacts arising from traffic can therefore be ruled out.

7.99. The EIAR has considered that the main direct and indirect effects of any significance arising from the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. I am satisfied on the basis of the submitted information that impacts can be adequately mitigated and that no residual significant negative impacts on the environment would remain as a result of the proposed scheme. I am, therefore, of the view that the potential for unacceptable direct or indirect effects on the environment can be excluded on the basis of the submitted information.

8.0 **Appropriate Assessment**

8.1. An Appropriate Assessment Screening document has been prepared by the Moore Group on behalf of the applicant. The Screening document describes the proposed development, its receiving environment and relevant European Sites in the zone of influence of the development. It was informed by desktop study of maps and ecological and water quality data from a range of sources. Section 4 of the EIAR outlines the relevant sites considered within the screening of the development.

8.2. The report concluded that all sites were outside of the zone of influence of the development. Buckroney-Brittas Dunes and Fen SAC (site code 000729) was identified as the closest designated site to the development. However given the distance from the site to this SAC which is over 9km via the Avoca River, it was considered within the Appropriate Assessment Screening submitted that potential

impacts to this coastal site are unlikely given the distance from the site and the large receiving marine buffer separating the proposed development from the designated site over which it is anticipated that any potential pollutants would be adsorbed and diluted to an extent that they would not be perceptible at the designated site.

- 8.3. This site along with the others outlined in Section 4.1 of the EIAR were deemed to be outside of the zone of impact of the proposed development.
- 8.4. As there is no meaningful connectivity to any other European Sites, the applicant considered that likely significant effects on European sites could be ruled out at preliminary screening stage.
- 8.5. I have reviewed all sites considered by the applicant which are outlined in Table 1 of section 4.1 of the EIAR. I note that the applicant has identified a number of sites whereby there is no connection or pathway to the development site, these sites given the lack of any meaningful connection to the development site will not be repeated or considered hereunder.
- 8.6. I have reviewed the designated sites within an area in excess of 15km radius of the development site and consider following to have a connection/pathway to the development site and I therefore considered these sites in detail for the purpose of screening for Appropriate Assessment.
- 8.7. Table 1.0

European Site Name & Code	Distance	Qualifying Interest	Source-pathway-receptor
Buckroney-Brittias Dunes and Fen SAC 000729	c.9km hydrological distance	Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]	No meaningful pathway due to the dispersion and dilution of the Irish Sea.

		<p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Atlantic decalcified fixed dunes (Calluno-Ulicetea) [2150]</p> <p>Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (Salicion arenariae) [2170]</p> <p>Humid dune slacks [2190]</p> <p>Alkaline fens [7230]</p>	
Kilpatrick Sandhills SAC 001742	c.8.64km	<p>Annual vegetation of drift lines [1210]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Atlantic decalcified fixed dunes (Calluno-Ulicetea) [2150]</p>	No meaningful pathway due to the dispersion and dilution of the Irish Sea.
Slaney River Valley SAC 000781	c.12.64km	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculum fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p>	No meaningful pathway due to the dispersion and dilution of the Irish Sea.

		Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Alosa fallax fallax (Twaite Shad) [1103] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Phoca vitulina (Harbour Seal) [1365]	
Magherbeg Dunes SAC 001766	c.14km	Annual vegetation of drift lines [1210] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Petrifying springs with tufa formation (Cratoneurion) [7220]	No meaningful pathway due to the dispersion and dilution of the Irish Sea.

8.8. The proposed development as outlined above will comprise a GIS substation and associated works within an existing industrial site that was previously utilised as a fertiliser factory. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Construction & operation related - uncontrolled surface water/silt/ construction related pollution/spillage of fuels.

8.9. It is important to note at this juncture that all of the above sites are significantly removed from the proposed development site. There is a hydrological pathway via

drainage channels within the development site that discharge to the Avoca River which flows into the Irish Sea from which above sites are accessed. As outlined within the applicants Appropriate Assessment Screening document the closest site to the development is the Buckroney-Brittias Dunes and Fen SAC which is located c. 9km via the Avoca River from the site. I concur with the applicants screening assessment in this regard and agree that given the significant distance separating the proposed works and this SAC and other listed in table 1.0 above that in the event of pollution or sediment entering an adjacent watercourse, such pollution would be diluted and dispersed to an imperceptible level at the point of contact with any of the designated sites within table 1.0 above and as such significant effects to these designated sites are not likely to arise and can be ruled out.

Screening Determination

- 8.10. Overall, the proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No's. 000729, 001742, 000781, 001766, or any other European site, in view of the sites Conservation Objectives, and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required. This determination has been based on the significant distance of the proposed development from any designated sites and the lack of any meaningful pathway between the development site and such designated sites.
- 8.11. In reaching this conclusion, I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects on the projects on any European Sites.

Conclusion

- 8.12. Thus, having regard to the foregoing assessment, I consider that given the location of the proposed development within a brownfield site zoned for employment, removed from any designated sites and sensitive land uses the proposal is an acceptable form of development and is in accordance with the proper planning and sustainable development of the area. The proposal accords with the policies and objectives of the Wicklow County Development Plan 2016-2021 and the Arklow and Environs Local Area Plan 2018 and will facilitate the upgrade of the national electricity network in

accordance with the overarching regional and national policy as set out in the RSES for the Eastern and Midland Region and the National Planning Framework.

9.0 Recommendation

- 9.1. Having considered the contents of the application, the provision of the Development Plan, the observations received, and in accordance with the foregoing assessment, I recommend that the proposed development be approved for the reasons and considerations set out below.

10.0 Reasons and Considerations

In coming to its decision, the Board had regard to the following:

European legislation, including of particular relevance:

- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
- EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy

National and regional planning and related policy, including:

- National Planning Framework
- Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure, July 2012,

Regional and local level policy, including the:

- Regional Spatial Economic Strategy for the Eastern and Midland Region

The local planning policy including:

- **Wicklow County Development Plan 2016-2021**
- **Arklow and Environs Local Area Plan 2018**
- other relevant guidance documents

- the nature, scale and design of the proposed development as set out in the planning application and the pattern of development in the vicinity, including the permitted Data Centre within the vicinity of the proposed development site,
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites,
- the submissions made to An Bord Pleanála in connection with the planning application, and

the report and recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to the environmental impact assessment.

Proper Planning and Sustainable Development

It is considered that the proposed development would accord with European, national, regional and local planning and that it is acceptable in respect of its likely effects on the environment and its likely consequences for the proper planning and sustainable development of the area.

Environmental Impact Assessment:

The Board completed an environmental impact assessment of the proposed development taking account of:

- (a) the nature, scale, location and extent of the proposed development on a site,
- (b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application,
- (c) the submissions received from the prescribed bodies and planning authority and,
- (d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect,

secondary and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the application. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- The risk of pollution of ground and surface waters during the construction phase which would be mitigated by the implementation of measures set out in the Environmental Impact Assessment Report (EIAR) and the outline Construction and Environment Management Plan (oCEMP) which include specific provisions relating to groundwater, surface water and drainage.
- Noise, vibration and dust during the construction and/or the operational phases would be avoided by the implementation of the measures set out in the Environmental Impact Assessment Report (EIAR) and the outline Construction and Environment Management Plan (oCEMP) which include specific provisions relating to the control of dust and noise.
- The increase in vehicle movements and resulting traffic during the construction and operational phases would be avoided by the implementation of the measures set out in the Environmental Impact Assessment Report (EIAR) and the outline Construction and Environment Management Plan (CEMP).
- The impacts on residential amenity during the construction and operational phases would be avoided by the implementation of the measures set out in the Environmental Impact Assessment Report (EIAR) and the outline Construction and Environment Management Plan (oCEMP) which include specific provisions relating to the control and management of dust, noise, water quality and traffic movement.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be

acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Screening for Appropriate Assessment:

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European sites, in view of the site's Conservation Objectives.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures identified in the EIAR and other plans and particulars submitted with the planning application, shall be implemented in full by the developer, except as may otherwise be required in order to comply with the conditions of this permission.

Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

Reason: In the interest of public health and to ensure a proper standard of development.

4. The developer shall comply with the transportation requirements of the planning authority for such works and services as appropriate.

Reason: In the interest of traffic and pedestrian safety.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- a) location of the site and materials compound including area identified for the storage of construction refuse
- b) location of areas for construction site offices and staff facilities
- c) details of site security fencing and hoardings
- d) details of on-site car parking facilities for site workers during the course of construction
- e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
- f) measures to obviate queuing of construction traffic on the adjoining road network,
- g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- h) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,

- i) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained; such bunds shall be roofed to exclude rainwater,
- j) off-site disposal of construction / demolition waste and details of how it is proposed to manage excavated soil
- k) details of on-site re-fuelling arrangements, including use of drip trays,
- l) details of how it is proposed to manage excavated soil,
- m) means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of environmental protection, amenities, public health and safety.

6. A) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:

- (i) An LAeqT value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. [The T value shall be one hour.]
- (ii) An LAeqT value of 45 dB(A) at any other time. [The T value shall be 15 minutes]. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

b) All sound measurement shall be carried out in accordance with ISO Recommendation R 1996 "Assessment of Noise with respect of Community Response" as amended by ISO Recommendations R 1996 1, 2 or 3 "Description and Measurement of Environmental Noise" as applicable.

Reason: To protect the amenities of property in the vicinity of the site.

7. All new surface water outfalls shall be constructed in a manner which protects riparian habitat and does not result in excessive erosion of such habitat.

Reason: In the interest of habitat protection.

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

9. The site development and construction works shall be carried out such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

10. The developer shall comply with the following aviation requirements:

Notify the Irish Aviation Authority of their intention to commence crane activities with a minimum of 30 days prior notification of their erection.

Consult with the Irish Aviation Authority and the Dublin Airport Authority and develop mitigation measures for bird hazards. Details to be submitted to the planning authority for written agreement.

Reason: In the interest of orderly development.

- 11.a) No additional artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.

b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road. Their location within the compound shall be agreed with the Planning Authority prior to commencement of work on site.

(c) All lighting shall be operated in such a manner as to prevent light overspill to areas outside of the compound.

(d) Prior to the commencement of development the applicant shall submit a detailed lighting plan for the written agreement of the planning authority. The plan shall include the type, duration, colour of light and direction of all external lighting to be installed within the external areas of the development site.

Reason: In the interests of clarity, and of visual and residential amenity and protection of local biodiversity.

12. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

a) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess and monitor all preparatory works and all site development works.

b) investigate areas of archaeological potential by means of geophysical survey and, depending on the findings, carry out test excavations if deemed necessary following consultation with the National Monuments Services Section of the Department of Culture, Heritage and the Gaeltacht.

c) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development, and

d) submit a report to the planning authority, containing the results of the archaeological investigations and assessment.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation in-situ or by record and protection of any archaeological remains that may exist within the site.

13. The developer shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

Reason: In the interest of the proper planning and sustainable development of the area.

14. The delivery of abnormal loads for the construction of the development shall be managed in accordance with a Traffic Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of the road network to be used by construction traffic, including over-sized loads, and detailed arrangements for the protection of bridges, culverts or other structures to be traversed, as may be required. The plan should also contain details of how the developer intends to engage with and notify the local community in advance of the delivery of oversized loads.

Reason: In the interests of public safety and residential amenity

15. Prior to the commencement of development, the applicant shall submit for the written agreement of the planning authority, details of an obstacle warning light scheme which can be visible to night vision equipment.

Reason: in the interest of aviation safety.

16. In the event that invasive plant species are found prior to or during works at the appeal site, the applicant shall submit an Invasive Management Species Action Plan for the written approval of the planning authority which shall include full details of the eradication of the such invasive species from the appeal site prior to construction on the site or if discovered during construction as soon as is practicably possible.

Reason: In the interest of nature conservation and mitigating ecological damage associated with the development.

17. Trees to be felled and buildings to be demolished shall be examined prior to felling and demolition to determine the presence of bat roosts. Any works shall be in accordance with the TII Guidelines for the Treatment of Bats during the construction of National Road Schemes.

Reason: In the interest of wildlife protection.

Sarah Lynch Senior Planning
Inspector

14th June 2021